

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-cr-40003-SMY
)	
CORINTHUS BEVELY,)	
)	
Defendant.)	

ORDER

YANDLE, District Judge:

Defendant Corinthus Bevely was sentenced on November 24, 2015 to 151 months imprisonment for conspiracy to distribute cocaine and crack cocaine (Count 1) (Docs. 57, 60). He is currently housed at Pekin-FCI and his projected release date is August 2, 2025.

Now pending before the Court is Bevely's *pro se* Motion for Compassionate Release pursuant to the First Step Act of 2018 in which he seeks release due to the COVID-19 global pandemic (Doc. 66). The Government responded in opposition (Doc. 72). For the following reasons, the motion is **DENIED**.

Background

COVID-19 is a contagious virus which continues to spread across the United States. Individuals with certain underlying medical conditions, such as serious heart conditions and chronic lung disease, and those who are 65 years of age and older carry a heightened risk of severe illness and death from the virus. People Who Are at Higher Risk for Severe Illness, CENTERS FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last visited January 7, 2022). Pekin-FCI has a current inmate population of 1,259. *See* <https://www.bop.gov/locations/institutions/pek/> (last visited June 22, 2022). As of June 22, 2022, there was 1 positive COVID-19 case among inmates and 0 positive staff members

at Pekin-FCI. No inmates have died from the virus and 806 have recovered. *See* <https://www.bop.gov/coronavirus/> (last visited June 22, 2022).

Bevely is 53 years old and allegedly suffers from diabetes, obesity, and hypertension. He asserts that he remains at risk for severe illness due to his medical conditions and the continued presence of COVID-19 at the facility. Bevely also maintains that compassionate release is warranted because he is no longer a danger to the community.

Discussion

Section 603 (b)(1) of the First Step Act permits the Court to reduce a term of imprisonment upon motion of either the Director of the Bureau of Prisons (“BOP”) or a defendant for “extraordinary or compelling reasons” so long as the reduction is “consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A)(i). A defendant seeking compassionate release must first request that the BOP file a motion seeking the same. *Id.* If the BOP declines to file a motion, the defendant may file a motion on his own behalf, provided he has either exhausted administrative remedies or 30 days have elapsed since the warden at his institution received such a request, whichever is earliest. *Id.* The Government asserts that Bevely failed to exhaust his administrative remedies as he filed his motion one day after seeking relief from the warden at Pekin-FCI. However, the Government concedes that Warden Michael Segal denied Bevely’s request on February 9, 2021, while this motion remained pending (Doc. 72, p. 2). Under these circumstances, this Court will analyze the merits of the motion.

The spread of COVID-19 has presented extraordinary and unprecedented challenges for the country and continues to be an issue for prisons despite the safety protocols and policies that have been implemented. Bevely alleges that he is at an increased risk from contracting COVID-19 and suffering severe illness because he suffers from serious health conditions, including diabetes, obesity, and hypertension. According to the CDC, individuals with diabetes, obesity, and hypertension *may* be at an increased risk of severe illness if they contract COVID-19. However, Bevely received the first dose

of the Pfizer-BioNTech vaccine on March 1, 2021 and has not presented evidence that he is at greater risk for an adverse outcome in prison than he would be if released. See, *United States v. Barbee*, 25 F.4th 531, 533 (7th Cir. 2022). Further, Pekin-FCI currently only has 1 infected inmate out of an inmate population of 1,259. Considering the totality of circumstances, the undersigned concludes that Bevely does not present an extraordinary and compelling reason for his release at this time.

For the foregoing reasons, Defendant's Motion for Compassionate Release under the First Step Act of 2018 (Doc. 66) is **DENIED**.

IT IS SO ORDERED.

DATED: June 22, 2022



STACI M. YANDLE
United States District Judge